

**REMARKS/ARGUMENTS**

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office Action, and amended as necessary to more clearly and particularly describe the subject matter that Applicant regards as the invention. This amendment amends claims 1 and 5.

The Examiner has required a new title. The title has been amended as suggested by the Examiner.

Claims 1-7 were rejected as being obvious over US Patent 6,549,789 Kfoury in view of US Patent 6,965,413 Wada. The amendment to claim 1 incorporates limitations as to the configuration of cable 140 that are not disclosed by either Kfoury or Wada. Cable 140 is derived from an end of the first rotating member 125 and extends along the axis of the first rotating shaft 125, in contrast with Wada, in particular. The portion of the written description supporting such limitations can be found in lines 10-16 on page 24 of the specification. As a result, the 103(a) rejections by the Examiner have been rendered moot and the dependent claims are allowable for at least the reasons stated above for claim 1.

The amendment to claim 5 simplifies the description for when the fastening screw is exposed.

In light of the foregoing, it is respectfully submitted that the present application is in condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

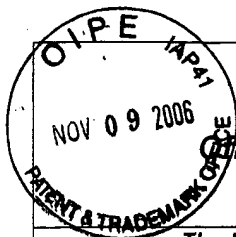
If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 37863.

Respectfully submitted,  
PEARNE & GORDON LLP

By: 

Michael W. Garvey, Reg. No. 35878

1801 East 9th Street  
Suite 1200  
Cleveland, Ohio 44114-3108  
(216) 579-1700  
Date: November 6, 2006



## Office Action Summary

**Application No.**

10/525,555

**Applicant(s)**

SATO ET AL.

**Examiner**

Sayed T. Zewari

**Art Unit**

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 2/24/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

## DETAILED ACTION

### *Objections*

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
4. The following title is suggested: **"A Clamshell Portable Wireless Terminal with an Upper Housing and a Lower Housing Joined Together with a Rotating Hinge"**.

### *Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kfoury (US 6,549,789) in view of Wada (US 6,965,413).
7. With respect to claim 1, Kfoury discloses an opening/closing type communication terminal (See Kfoury's figure 2-7, col.4 lines 33-35, 53-57, col.3 lines 3-6), comprising: a hinge portion, which couples two casing members so as to freely open and close (See Kfoury's abstract, figure 2-7, col.4 lines 33-35, 53-57), wherein the

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hinge portion includes: a first rotating member, which serves as an axis for rotating two casing members in a predetermined direction (**See Kfoury's abstract, figure 2-7(214), col.4 lines 33-35, 53-57, col.3 lines 6-12**); a second rotating member, which serves as an axis for rotating one casing member of the two casing members relative to the other casing member of the two casing members in a direction in which the first axis (**See Kfoury's abstract, figure 8, col.4 lines 33-35, 53-57, col.3 lines 6-12**). However, Kfoury, does not specifically disclose a cover member, which covers the first rotating member and the second rotating member; and wherein the cover member is fixed to the first perpendicular rotating member a rotating serves as the rotating member. But Wada discloses such a cover member (**See Wada's figure 3, 4, col.3 lines 9-44**). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention disclosed by Kfoury and include in it a cover member, as disclosed by Wada, thereby providing a small foldable and rotating cover as described by Wada (**See Wada's figure 3, 4, col.3 lines 9-44, col.1 lines 67, col.2 lines 1-3**).

8. With respect to claim 2, Kfoury discloses the limitations set forth in claim 1. However, Kfoury does not specifically disclose a rotating movement restricting member. However, an official notice is taken that the concept and use of a rotating movement restricting member in folding/rotating type of housings are well known and expect in the art. Therefore, it would be obvious to one of ordinary skill in the art to provide for such a rotating movement restricting member to provide a method of controlling the movement of the folding/rotating parts of a cell phone to a desired limit.

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9. With respect to claim 3, the above combinations disclose all the limitations set forth in claim 3.

10. With respect to claim 4, the above combinations disclose all the limitations set forth in claim 4.

11. With regard to claim 5, the above combinations disclose all the limitations of claim 5. But neither discloses a fastening screw whereby the cover member is fixed to the first rotation member. However, an official notice is taken that the concept and use of a fastening screw are well known and expect in the art. Therefore, it would be obvious to one of ordinary skill in the art to provide for fastening screw wherein the fastening screw fixes the cover member to the first rotating member and wherein the fastening screw is covered by the casing members under both the folded condition and the first opened condition.

12. With respect to claim 6, Kfoury discloses a communication terminal wherein the communication terminal includes a condition detecting member which detects either the first opened condition the second opened condition of the communication terminal (**See Kfoury's figure 1(133, 135), col.4 lines 28-32**); wherein one of the two casing members includes a camera unit and a first display unit capable of displaying a picture photographed by the camera unit on one plane thereof, and includes a second display unit capable of displaying a picture formed based upon the picture photographed by the camera unit on another plane opposite to the one plane (**See Kfoury's figure 1(113-116), figure 2, 5-14, col.4 lines 14-32**); wherein the first display unit displays a mirror image as photographed by the camera unit under either the folded condition or the first

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opened condition (**See Kfoury's figure 1(113-116), figure 2, 5, 6-14, col.4 lines 14-32**); the picture and wherein the first display unit displays the mirror image as to the picture photographed by the camera unit, and the second display unit displays an inherently inverted mirror image of the mirror image under the second opened condition (**See Kfoury's figure 1(113-116), figure 2, 5, 6-14, col.4 lines 14-32**). However, Kfoury does not specifically disclose a communication terminal wherein the second predetermined angle is 180 degrees at which the casing members are rotated so as to become the second opened condition from the first opened condition while the second rotating member serves as the axis. But Wada discloses a terminal wherein the second predetermined angle is 180 degrees (**See Wada's figure 2-4, col.3 lines 39-44**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention disclosed by Kfoury and include in it mechanism such that allows the casing member to rotate at a predetermined 180 degrees, as discloses by Wada, thereby providing a terminal wherein the second casing rotate at 180 degrees while in open condition (**See Wada's figure 2-4, col.3 lines 39-44**).

13. With respect to claim 7, the above combinations disclose all the limitations with regard to claim 7.

### **Conclusion**

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sayed T. Zewari whose telephone number is 571-272-6851. The examiner can normally be reached on 8:30-4:30.

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15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G. Kincaid can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sayed T. Zewari

July 28, 2006



LESTER G. KINCAID  
SUPERVISORY PRIMARY EXAMINER